

### **Remarks**

The above Amendments and these Remarks are in reply to the outstanding Office Action dated 7/26/07 (Office Action). Claims 1-3, 5-8, 10-30 and 32-33 are presented herewith for consideration. Claims 25, 28-30 and 33 have been amended to clarify the claims.

Claims 1-3, 5-8, 10 -24 are allowed.

Claim 25 is rejected under 35 U.S.C. §102(e) as being anticipated by *Chiu* (U.S. Patent No. 6,642,747).

Claims 26 and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Chiu* in view of U.S. Publication No. 2002/0105386 A1 (*Shastri*).

Claim 28 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Chiu* in view of applicants' own admitted prior art (*AOAPA*).

Claims 29-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,572,558 (*Beherns*) in view of *Chiu*.

#### **I. Rejection of Claim 25 under 35 U.S.C. §102(e)**

Claim 25 is rejected under 35 U.S.C. §102(e) as being anticipated by *Chiu*.

The Office Action at page 2 states:

The phase locked loop (PLL) circuit shown in Fig. 4 is interpreted as the claimed clock circuit [and the average circuit] because the voltage controlled oscillator (VCO) 450 generates a clock signal in response to a control signal corresponding to the phase adjustment needed.

The Office Action also states at page 4 that *Chiu* discloses “the phase detector” in claim 25 by “phase detector 410” shown in Fig. 4 of *Chiu*.

The Applicant respectfully disagrees that “PLL 400” shown in Fig. 4 of *Chiu* discloses the elements of claim 25. Amended claim 25 clearly states that “a phase detector [outputs] a plurality of up signals and a plurality of down signals in response to the plurality of digital data signals [from the sampler]...” In contrast, Figure 4 of *Chiu* illustrates a “PLL 400” that does not have “a phase detector 410” that outputs a plurality of up signals and down signals in response to the plurality of digital data signals...” “Phase detector 410” receives two analog clock signals ---“REF\_CLK” and “VCO\_CLK” as inputs and not a “plurality of digital data signals.” Figure 4 of *Chiu* does not illustrate any other signal inputs and the Office Action has not identified how “Phase detector 410” would receive the “plurality of digital data signals.”

It is therefore respectfully requested that the rejection of claim 25 be withdrawn.

II. Rejection of Claims 26 and 27 under 35 U.S.C. §103(a)

Claims 26 and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Chiu* in view of *Shastri*.

Claims 26 and 27 depend from claim 25 and therefore are patentable for at least the reasons stated above in regard to claim 25.

It is therefore respectfully requested that the rejection of claims 26 and 27 be withdrawn.

III. Rejection of Claim 28 under 35 U.S.C. §103(a)

Claim 28 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Chiu* in view of *AOAPA*.

Claim 28 depends from claim 25 and therefore is patentable for at least the reasons stated above in regard to claim 25.

It is therefore respectfully requested that the rejection of claim 28 be withdrawn.

IV. Rejection of Claims 29-30 and 32-33 under 35 U.S.C. §103(a)

Claims 29-30 and 32-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Behrens* in view of *Chiu*.

Amended claims 29, 30 and 33 include similar limitations found in claim 25 and therefore are patentable for at least the reasons stated above in regard to claim 25.

Claim 32 depend from claim 30 and therefore are patentable for at least the reasons stated above in regard to claim 30.

It is therefore respectfully requested that the rejection of claims 29 and 32-33 be withdrawn.

V. Conclusion

Based on the above amendments and these remarks, reconsideration of claims 1-3, 5-8, 10-30 and 32-33 is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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